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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/745,635	12/23/2000	Dann E. Kroeger	ATUBP004	1550
7590 07/02/2004				
HOVEY, WILLIAMS, TIMMONS & COLLINS		EXAMINER		
2405 GRAND BLVD.		COLON, CATHERINE M		
SUITE 400		ART UNIT		
KANSAS, MI 64108		PAPER NUMBER		
		3623		

DATE MAILED: 07/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/745,635

**Applicant(s)**

KROEGER, DANN E.

**Examiner**

C. Michelle Colon

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/1/01</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The following is a Non-Final Office Action in response to the communication received on December 23, 2000. Claims 1-49 are now pending in this application.

#### ***Information Disclosure Statement***

2. The examiner has reviewed the patents supplied in the Information Disclosure Statement (IDS) provided on September 28, 2001.

#### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 1-7 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The basis of this rejection is set forth in a two-prong test of:

- (1) whether the invention is within the technological arts; and
- (2) whether the invention produces a useful, concrete, and tangible result.

As per the first prong of the test, for a claimed invention to be statutory, the claimed invention must be within the technological arts. Mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, use, or advance the technological arts fail to promote the "progress of science and the useful arts" (i.e., the physical sciences as opposed to social sciences) and therefore are found

to be non-statutory subject matter. For a process claim to be satisfactory, the recited process must somehow apply, involve, use, or advance the technological arts.

In the present case, the steps of claims 1-7 merely recite a method for managing tasks for a project; however, the recited steps do not apply, involve, use, or advance the technological arts since all of the recited steps can be performed in person or by use of a pencil and paper and without the need of a computer or other technology.

As per the second prong of the test, for a claimed invention to be statutory, the claimed invention must produce a useful, concrete, and tangible result. In the present case, the claimed invention manages tasks (i.e., concrete) associated with a project (i.e., useful and tangible).

Although the recited process produces a useful, concrete, and tangible result, since the claimed invention, as a whole, is not within the technological arts as explained above, claims 1-7 are directed to non-statutory subject matter.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-3, 5-10, 12-17, 19-28, 31-39, 41, 42, 47-49 are rejected under 35 U.S.C. 102(e) as being anticipated by Kaufer et al. (U.S. 6,519,763).

As per claims 1, 8 and 15, Kaufer et al. discloses a method, computer program product and system for providing a project task manager, comprising the steps of:

(a) providing a plurality of templates for initiating a project (col. 3, line 50-col. 4, line 54; The system utilizes a template directory to help create new projects.);

(b) allowing a user to populate the templates with task records each having at least one associated task (col. 9, lines 32-64; Figure 3; The system allows users to populate a new project template with task related data.); and

(c) linking each task record to documents required to complete the associated task (col. 9, lines 19-31; col. 9, line 65-col. 10, line 12; The system links objects together, and more specifically, links requirement data to their associated tasks.).

As per claims 2, 9 and 16, Kaufer et al. discloses the method, computer program product and system as recited in claims 1, 8 and 15, wherein each task record indicates each previous task carried out prior to the associated task, and each subsequent task to be carried out after the associated task (col. 13, lines 24-47; The system utilizes task dependency tables which indicate previous and subsequent required tasks associated with a particular task.).

As per claims 3, 10 and 17, Kaufer et al. discloses the method, computer program product and system as recited in claims 1, 8 and 15, wherein each task record indicates a cost of the associated task with respect to other tasks (col. 1, lines 37-51; col. 5, lines 55-67; The system conducts analysis on the cost of performing tasks.).

As per claims 5, 12 and 19, Kaufer et al. discloses the method, computer program product and system as recited in claims 4, 11 and 18, wherein a log is created for tracking template edits (col. 10, lines 31-52; col. 13, line 58-col. 14, line 14; The system uses database tables to track changes made to a project such as schedule and task modifications.).

As per claims 6, 13 and 20, Kaufer et al. discloses the method, computer program product and system as recited in claims 1, 8 and 15, wherein a graph is displayed depicting a time-based relationship of the tasks (col. 14, lines 24-25; col. 17, lines 8-29; The system generates reports that utilize graphs.).

As per claims 7 and 14, Kaufer et al. discloses the method and computer program product as recited in claims 1 and 8, wherein contact information is made available (col. 5, lines 36-47; The system allows users to create contact information such as email addresses for team members.).

As per claim 21, Kaufer et al. discloses a computer program providing integrated scheduling and document management related to a project involving one or more tasks, the computer program comprising:

a project task manager code segment operable to access a project task record populated with project task data related to the project (col. 9, lines 32-col. 10, line 52; The system allows users to access task data related to a project. The project and task data are stored in relational database tables.); and

a pro-active manager code segment operable to monitor a status of the project and the one or more tasks, and to notify a contact person in a pre-defined manner when

a pre-defined condition occurs related to the status (col. 3, lines 1-14; col. 8, lines 33-34; col. 12, line 65-col. 13, line 57; col. 14, line 62-col. 15, line 56; col. 16, lines 26-50; The system tracks the status of a project and its related tasks. The system also notifies users via email when a pre-defined condition or threshold has been met.).

As per claim 22, Kaufer et al. discloses the computer program as set forth in claim 21, wherein an electronic form provides an interface for populating the project task record and for editing the project task data (col. 9, lines 41-67; Figures 3 and 4; The system uses an electronic form to have users populate and edit the project and task data.).

As per claim 23, Kaufer et al. discloses the computer program as set forth in claim 22, further including a code segment for creating and maintaining a log related to populating the project task record and to editing the project task data (col. 10, lines 31-52; col. 13, line 58-col. 14, line 14; The system uses database tables to track changes made to a project such as schedule and task modifications.).

As per claim 24, Kaufer et al. discloses the computer program as set forth in claim 21, wherein the project task manager code segment is further operable to graphically display a temporal progression of the one or more tasks (col. 14, lines 24-25; col. 17, lines 8-29; The system generates reports and graphs that provide schedule related information about the project and tasks.).

As per claim 25, Kaufer et al. discloses the computer program as set forth in claim 21, wherein the project task manager code segment is further operable to cause to be displayed a budget and an actual cost related to completion of the project (col. 1,

lines 37-51; col. 5, lines 55-67; The system conducts analysis on the cost of the project.).

As per claim 26, Kaufer et al. discloses the computer program as set forth in claim 21, wherein the contact person may be an appropriate contact person selected from a list maintained by computer program (col. 5, lines 36-47; The system allows users to create contact information such as email addresses for team members.).

As per claim 27, Kaufer et al. discloses the computer program as set forth in claim 21, wherein the contact person, pre-defined manner of notification, and pre-defined condition may be designated and defined in the project task record (col. 3, lines 1-14; col. 8, lines 33-34; col. 12, line 65-col. 13, line 57; col. 14, line 62-col. 15, line 56; col. 16, lines 26-50; The system uses relational database tables to set up project information such as a contact person, a pre-defined manner of notification, and a pre-defined condition.).

As per claim 28, Kaufer et al. discloses the computer program as set forth in claim 21, wherein the pre-defined manner of notification includes electronic mail (col. 15, lines 1-3).

As per claim 31, Kaufer et al. discloses the computer program as set forth in claim 21, wherein the project task record is linked to an electronic document related to the project, and the computer program further comprises a document manager code segment operable to receive and store the electronic document (col. 9, lines 19-31; col. 9, line 65-col. 10, line 12; The system links objects together using a relational database, and more specifically, links files with their associated tasks.).



As per claim 32, Kaufer et al. discloses the computer program as set forth in claim 31, wherein an electronic form provides an interface for populating the project task record and editing the project task data, and the electronic form includes a hyperlink to the electronic document (col. 9, lines 41-67; Figures 3 and 4; The system uses an electronic form to have users populate and edit the project and task data.).

As per claim 33, Kaufer et al. discloses the computer program as set forth in claim 31, wherein the document manager code segment is operable to monitor the need for and status of a particular electronic document, and to notify a contact person in a pre-defined manner when a pre-defined condition occurs relating to the particular electronic document (col. 3, lines 1-14; col. 8, lines 33-34; col. 12, line 65-col. 13, line 57; col. 14, line 62-col. 15, line 56; col. 16, lines 26-50; The system tracks the status of a project and its related tasks. The system also notifies users via email when a pre-defined condition or threshold has been met.).

As per claim 34, Kaufer et al. discloses the computer program as set forth in claim 33, wherein the contact person is an appropriate contact person selected from a list maintained by a resource and contact manager code segment of the computer program (col. 5, lines 36-47; col. 15, lines 1-21; The system allows users to create contact information such as email addresses for team members.).

As per claim 35, Kaufer et al. discloses the computer program as set forth in claim 33, wherein the pre-defined condition includes not having received the particular electronic document by a pre-established date (col. 15, line 66-col. 16, line 25; Alerts

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are generated based on several pre-defined conditions including when tasks or projects are not on time.).

As per claim 36, Kaufer et al. discloses the computer program as set forth in claim 31, wherein the electronic document is editable, and the document manager code segment is operable to maintain a log related to any editing of the document (col. 10, lines 31-52; col. 13, line 58-col. 14, line 14; The system uses database tables to track changes made to a project such as schedule and task modifications.).

As per claim 37, Kaufer et al. discloses the computer program as set forth in claim 21, further comprising a communication manager code segment operable to receive and store an electronic communication related to the project (col. 16, lines 52-64; The system maintains a database table for storing the email alerts that have been generated.).

As per claim 38, Kaufer et al. discloses the computer program as set forth in claim 37, wherein the communication manager code segment is operable to interface with an existing electronic communication medium in order to receive the electronic communication (col. 15, lines 1-3; The system uses email to electronically communicate with users. Email inherently interfaces with an electronic communication medium.).

As per claim 39, Kaufer et al. discloses the computer program as set forth in claim 37, wherein the electronic communication is an electronic mail message (col. 15, lines 1-3; The system uses email to electronically communicate with users.).

As per claim 41, Kaufer et al. discloses the computer program as set forth in claim 37, wherein the communications manager code segment is operable to monitor

status of a particular stored electronic communication and to notify a contact person in a pre-defined manner when a pre-defined condition occurs relating to the particular stored electronic communication (col. 3, lines 1-14; col. 8, lines 33-34; col. 12, line 65-col. 13, line 57; col. 14, line 62-col. 15, line 56; col. 16, lines 26-50; The system tracks the status of a project and its related tasks. The system also notifies users via email when a pre-defined condition or threshold has been met.).

As per claim 42, Kaufer et al. discloses the computer program as set forth in claim 41, wherein the communications manager code segment is operable to associate a response date with the particular stored electronic communication, and the pre-defined condition includes lack of a response by the response date (col. 15, line 66-col. 16, line 25; Alerts are generated based on several pre-defined conditions including when tasks or projects are not on time.).

As per claim 47, Kaufer et al. discloses the computer program as set forth in claim 21, further comprising a resource and contact manager code segment operable to store and maintain a categorized list of personnel and company information relating to the project (col. 15, lines 1-17; The system maintains a list of users and their email addresses.).

As per claim 48, Kaufer et al. discloses the computer program as set forth in claim 21, further comprising a reports manager code segment operable to generate a report regarding one or more aspects of the project and the one or more tasks (col. 17, lines 8-44).

As per claim 49, Kaufer et al. discloses the computer program as set forth in claim 48, wherein the reports manager code segment is further operable to receive periodic updates regarding project progress and, based thereupon, to include in the report an updated project cost and schedule (col. 1, lines 37-51; col. 5, lines 55-67; col. 17, lines 8-44; The system generates reports on project cost and scheduling.).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 4, 11, 18, 29, 30, 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaufer et al. (U.S. 6,519,763) as applied above.

As per claims 4, 11 and 18, Kaufer et al. does not expressly disclose the method, computer program product and system as recited in claims 1, 8 and 15, wherein a secure login is required for modifying the tasks. However, it is old and well known in project management that only managers or other authorized users such as project team members edit the project schedule, including task-related information. Thus, at the time of the invention, it would have been obvious to a person of ordinary skill in the art for the system of Kaufer et al. to implement secure login in order to modify tasks because doing so ensures that only authorized individuals edit the project data which is essential for maintaining the integrity of the project.

As per claims 29, 30 and 40, Kaufer et al. does not expressly disclose the computer program as set forth in claims 21 and 37, wherein the pre-defined manner of notification includes voicemail or fax. However, Kaufer et al. does disclose using email to notify users of a change of status in the project (col. 15, lines 1-3). Voicemail and fax, like email, are common and well known forms of communication in the art. Thus, at the time of the invention, it would have been obvious to a person of ordinary skill in the art for the system of Kaufer et al. to use voicemail or fax notifications in addition to email notifications since voicemail and fax are common forms of communication for users and doing so would provide additional means of ensuring that users received the notification.

9. Claims 43-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaufer et al. (U.S. 6,519,763) as applied above and Isherwood et al. (U.S. 5,918,219).

As per claims 43-46, Kaufer et al. does not expressly disclose the computer program as set forth in claim 21, further comprising a bid manager code segment operable to communicate the one or more tasks to one or more third-parties and to receive a bid from the one or more third-parties relating to completion of the one or more tasks, wherein the bid includes a bidder identifier and a bid amount, wherein the bid manager code segment is operable to automatically electronically communicate acceptance of a particular bid and wherein the bid manager code segment is operable to maintain a log related to receiving the bid. Isherwood et al. discloses communicating one or more tasks to one or more third-parties and receiving a bid (including bidder

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identifier and amount) from the one or more third-parties relating to completion of the one or more tasks, communicating acceptance of the bid and keeping track of the received bid (col. 3, lines 49-54; col. 6, lines 48-61; col. 7, lines 52-56; Figures 2 and 3).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art for the system of Kaufer et al. to receive bids from third-parties to complete certain tasks as disclosed in Isherwood et al. since receiving bids for a product or service is known to aid in getting the best or lowest or most competitive price for the product or service, thus saving cost for the overall project.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Hughes et al. (U.S. 5,893,074) discusses a network based task management;
- Saito et al. (U.S. 6,578,006) discusses a project management system and method; and
- Miller (U.S. 6,101,481) discusses a task management system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Michelle Colon whose telephone number is 703-605-4251. The examiner can normally be reached Monday – Friday from 8:30am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz, can be reached at 703-305-9643.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Any response to this action should be mailed to:

***Commissioner of Patents and Trademarks***

***Washington D.C. 20231***

or faxed to:

703-872-9306	[Official Communications; including After Final communications labeled "Box AF"]
703-746-7202	[For status inquiries, draft communication, labeled "Proposed" or "Draft"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA 7<sup>th</sup> floor receptionist.

  
cmc

June 22, 2004

  
TARIQ R. HAFIZ  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3800